

Judge Ends Immigrant Activists' Free Speech Suit Against ICE

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Summary

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Body

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Senior U.S. District Judge James L. Robart granted ICE's motion for summary judgment in a brief order on Thursday, noting a written analysis of the decision would follow.

"Neither party has requested oral argument and the court finds that oral argument would not be helpful to its resolution of the motion," Judge Robart said.

The suit was launched in October 2018 by two Washington-based advocacy organizations, La Resistencia and the Coalition of Anti-Racist Whites. The group accused ICE of cracking down on undocumented immigrants who spoke out against U.S. immigration policy after the agency moved to deport La Resistencia leader Maru Mora-Villalpando.

After President Joe Biden came into office, the organizations agreed to pause the case while the new administration crafted new immigration policies. However, the enforcement guidelines rolled out by the administration failed to convince the groups to drop their suit.

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ICE moved to dismiss the suit, saying the guidelines set an "express" prohibition on retaliating against individuals' speech and arguing that the organizations had no proof it targeted critics since the guidelines were issued.

The groups urged Judge Robart to keep the suit alive, arguing the guidelines could be easily reversed. They further expressed doubt because ICE had already changed its policy toward immigrants who criticized the agency.

In June 2022, the judge ruled that ICE bore the "heavy burden" of proving that the alleged misconduct wouldn't reoccur and declined to toss the claims against the agency.

In its Nov. 3 motion for summary judgment, ICE argued the groups' allegations of an "ongoing nationwide pattern and practice of selective enforcement of civil immigration law based on speech" were not supported by ample evidence.

The groups' claims were mostly based on "uncorroborated news reports, speculation and email blasts from interest groups," ICE said.

"After five years of litigation, plaintiffs, the Coalition of Anti-Racist Whites ("Anti-Racist Whites") and NWDC Resistance ("La Resistencia") fail to show that they are entitled to the extraordinary remedy of a nationwide injunction requiring broad judicial oversight by this court of civil immigration enforcement decisions," the agency said.

The groups' Nov. 27 response to ICE's motion for summary judgment is sealed.

Counsel for the organizations and ICE did not immediately respond to requests for comment Friday.

The advocacy organizations are represented by Bruce E.H. Johnson, Ambika Kumar, Rachel Herd, Chris Swift and Heather Canner of Davis Wright Tremaine LLP and Sejal Zota and Dinesh McCoy of Just Futures Law.

ICE is represented by Katie D. Fairchild and Annalisa L. Cravens of the U.S. Department of Justice.

The case is NWDC Resistance et al. v. ICE et al., case number 3:18-cv-05860, in the U.S. District Court for the Western District of Washington.

--Editing by Drashti Mehta.

Correction: A previous version of this story had incorrect counsel listed for ICE. The error has been corrected.